

## **REMARKS**

Claims 1 – 4, 8, 10 and 16 – 18 are now pending in the application. Claim 19 has been canceled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **AMENDMENTS TO THE SPECIFICATION AND DRAWINGS**

Applicants have submitted replacement paragraph [0018] and replacement FIG. 1. Applicants have incorporated accelerator pedal 23 and accelerator pedal 25 in the drawing and specification to correspond to paragraph [0023] and FIG. 2 as originally filed. Specifically, paragraph [0023] recites “In step 54, control determines if an accelerator pedal position has changed. If the accelerator pedal position changed, control loops back to step 54. If the accelerator pedal position does not change, control determines whether engine deceleration occurs in step 58”. In this way, the amendments to paragraph [0018] and replacement FIG. 1 simply correspond to the disclosure as originally filed. As a result, Applicants submit that no new matter has been entered.

## **ALLOWABLE SUBJECT MATTER**

The Examiner states that claim 19 would be allowable if rewritten in independent form. Accordingly, Applicants have amended claim 16 to include the limitations of original claim 19 and any intervening claims. Therefore, claim 16 and dependent claims 17 and 18 should now be in condition for allowance.

**REJECTION UNDER 35 U.S.C. § 102**

Claims 1 – 4, 8, 10, and 16 – 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,487,998 (Masberg). This rejection is respectfully traversed.

At the outset, Applicants note that claim 1 has been amended to define a pedal position sensor that generates a pedal position signal based on a position of an accelerator pedal. In addition, the controller has been amended to communicate with the pedal position sensor and FSG to adjust torque output based on the pedal position signal. Claim 8 has been amended to recite the step of determining if an accelerator pedal has changed position and adjusting torque output based on the determination.

The Examiner has noted that the limitations provided in original claim 19 are not taught in Masberg. Applicants agree with the Examiner. Specifically, Masberg does not teach a pedal position sensor that generates a pedal position signal based on a position of an accelerator pedal and a controller that communicates with an FSG to adjust torque output based on the pedal position signal. Instead, Masberg discloses a control system for a displacement on demand engine. An FSG 4 operates at a predetermined speed based on engine speed  $n$  (See e.g., FIGS. 1a and 1b). A controller 31 adjusts current to the FSG 4 to increase torque when engine sag is detected. Controller 31 determines engine sag based on information from a rotational transformer 16, the angular position of the drive shaft 10 and the mean rotary speed at the moment (Col. 18, Lines 1 – 3). As such, Masberg does not teach or suggest a controller that communicates with the pedal position sensor and FSG to adjust torque output based on the pedal position

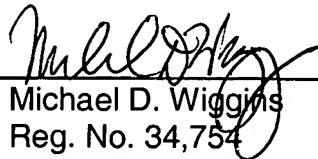
signal as provided in claims 1 and 8. In view of the foregoing, reconsideration and withdrawal of the rejections to claims 1 – 4, 8 and 10 are respectfully requested.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 24, 2006

By:   
Michael D. Wiggins  
Reg. No. 34,754

Brian D. Hollis  
Reg. No. 51,075

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MDW/BDH/cr

**AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheets" of drawings includes changes to FIG. 1.

The attached "Replacement Sheets," which includes FIGS. 1 and 1A, replace the original sheets including FIGS. 1 and 1A.

Attachment: Replacement Sheets